

1 MORGAN, LEWIS & BOCKIUS LLP  
2 ERIC MECKLEY, SBN 168181  
3 JENNIFER SVANFELDT, SBN 233248  
One Market, Spear Street Tower  
3 San Francisco, CA 94105-1126  
4 Tel: 415.442.1000  
Fax: 415.442.1001  
emeckley@morganlewis.com  
5 jsvanfeldt@morganlewis.com

6 Attorneys for Defendant  
7 LUMBER LIQUIDATORS, INC.

8 ROBERT TAFOYA, Esq., SBN 194444  
9 DAVID GARCIA, Esq., SBN 218356  
TAFOYA & GARCIA LLP  
316 W. 2nd St., Suite 1000  
10 Los Angeles, CA 90012  
Tel: 213.617.0600  
11 Fax: 213.617.2226  
robert@taf oyagarcia.com  
12 david@taf oyagarcia.com

13 Attorneys for Plaintiffs  
14 CRELENCIO CHAVEZ and JOSE ZALDIVAR

15 UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 CRELENCIO CHAVEZ and JOSE  
19 ZALDIVAR, an individual and on behalf  
of all others similarly situated,

20 Plaintiffs,

21 vs.

22 LUMBER LIQUIDATORS, INC. a  
23 Delaware Corporation; and DOES 1  
through 20, inclusive,

24 Defendants.

Case No. C-09-04812 SC

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE CLASS  
CERTIFICATION HEARING DATE AND  
BRIEFING SCHEDULE**

1 Pursuant to Civil Local Rules 6-1 and 6-2 of the Northern District of California, Plaintiffs  
 2 Crelencio Chavez and Jose Zaldivar (“Plaintiffs”) and Defendant Lumber Liquidators, Inc.  
 3 (“Defendant”) (collectively, the “Parties”), by and through their respective counsel of record,  
 4 hereby stipulate to continue the class certification hearing date from Friday, February 24, 2012 to  
 5 Friday, March 30, 2012. This stipulation is supported by the Declaration of Jennifer Svanfeldt  
 6 filed concurrently herewith.

7 The Parties represent and agree as follows:

8 WHEREAS, in an Order dated October 26, 2011 (Docket No. 50), the Court set the  
 9 following class certification hearing date and briefing schedule pursuant to a Joint Stipulation  
 10 filed by the Parties:

11 December 30, 2011: Deadline for Plaintiffs to file motion for class certification  
 12 January 27, 2012: Deadline for Defendant to file opposition to class certification  
 13 February 10, 2012: Deadline for Plaintiffs to file reply in support of class certification  
 14 February 24, 2012: Hearing on Plaintiffs’ motion for class certification.

15 WHEREAS, Plaintiffs filed a Motion for Class Certification on December 30, 2011. In  
 16 support of their motion Plaintiffs submitted declarations from seven (7) putative class member  
 17 witnesses (“declarants”), along with other supporting documents.

18 WHEREAS, since January 4, 2012 -- two business days after the motion was filed -- the  
 19 Parties have been working cooperatively and diligently to schedule the depositions of the seven  
 20 (7) declarants. Defendant served notices of deposition and subpoenas compelling the witnesses’  
 21 appearances at deposition. However, certain scheduling limitations have precluded Plaintiffs  
 22 from producing all of the declarants for deposition within a sufficiently reasonable period of time  
 23 prior to the deadline for Defendant’s opposition. These scheduling issues include the fact that all  
 24 but one of the seven (7) declarants are former employees of Lumber Liquidators and have their  
 25 own work and/or other personal commitments, and Plaintiffs’ attorneys are lead counsel in  
 26 another matter pending in the Los Angeles Superior Court that is scheduled for trial on January  
 27 17, 2012.

28 ///

1           WHEREAS, the Parties agree that continuing the class certification hearing date and the  
 2 opposition and reply deadlines will allow the depositions of the declarants to be completed in  
 3 sufficient time so as to not unduly prejudice Defendant in preparing its opposition and represents  
 4 the most reasonable and efficient way to resolve the Parties' deposition scheduling dispute. The  
 5 continuance also eliminates the need for the Court and the Parties to expend their respective time  
 6 and resources litigating a motion to compel on an expedited basis regarding the scheduling of  
 7 these depositions.

8           WHEREAS, in order to avoid a further request to continue the briefing schedule and for  
 9 the same fairness reasons articulated above, Defendant agrees to produce, subject to and without  
 10 waiving any applicable limitations set forth in F.R.C.P. 30, persons for whom Defendant has  
 11 submitted declarations in opposition to Plaintiffs' motion for class certification and for whom  
 12 Plaintiff has properly noticed their deposition at least seven (7) days before Plaintiffs' deadline to  
 13 file its Reply brief. Plaintiffs agree to notify Defendant of the names of the specific persons that  
 14 Plaintiffs desire to depose no later than February 15, 2012.

15           WHEREAS, one prior extension of time has been requested and granted. The prior  
 16 extension was necessitated by the trial schedules of Plaintiffs' attorneys.

17           WHEREAS, the Parties stipulate that Civil Local Rule 7-3 will not apply to this stipulated  
 18 class certification briefing schedule.

19           THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant  
 20 that the Court grant a continuance of the existing deadlines/hearing date and order the following:

21           February 10, 2012:   Deadline for Defendant to file opposition to class certification  
 22           March 2, 2012:       Deadline for Plaintiffs to file reply in support of class certification  
 23           March 30, 2012 at 10:00 a.m.:   Hearing on Plaintiffs' motion for class certification

24  
 25  
 26  
 27  
 28

1 **IT IS SO STIPULATED.**

2  
3 Dated: January 12, 2012

MORGAN, LEWIS & BOCKIUS LLP

4  
5 By /s/ Jennifer Svanfeldt  
6 Eric Meckley  
7 Jennifer Svanfeldt

8  
9  
10 Attorneys for Defendant  
11 Lumber Liquidators, Inc.

12 Dated: January 12, 2012

13 TAFOYA & GARCIA LLP

14  
15 By /s/ David A. Garcia  
16 David A. Garcia

17  
18 Attorneys for Plaintiffs  
19 Crelencio Chavez and Jose Zaldivar

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 Dated: 1/13/12

